

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DON MARTIN, #184335, )  
                                )  
Plaintiff,                 )  
                                )  
v.                             ) CIVIL ACTION NO. 2:05cv982-D  
                                )  
LOUIS BOYD, *et al.*,     )  
                                )  
Defendants.                 )

**ORDER**

On November 15, 2005, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon CONSIDERATION of the Recommendation of the Magistrate Judge, it is ORDERED as follows:

1. The Recommendation of the Magistrate Judge be and the same is hereby ADOPTED, APPROVED and AFFIRMED; and
2. Plaintiff's motion to dismiss be and the same is hereby GRANTED and this case is hereby DISMISSED without prejudice.

DONE this 30<sup>th</sup> day of November, 2005.

/s/ Ira DeMent  
SENIOR UNITED STATES DISTRICT JUDGE